

REMARKS

In an office action mailed November 1, 2005, the Examiner has objected to the disclosure because paragraph [0024] makes reference to "U.S. Patent 09/689,067." Claims [0024] has been amended herein to add the word "Application" between Patent and 09/689,067. The Examiner has also objected to an inadvertent change to the language in Claim 15. Claim 15 has been returned to the original claim language.

Claims 3, 8, 15 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. Claims 1-7 are rejected under 35 U.S.C., second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-3, 5-10, 12-15, 17, 18, and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Application Publication US 2001/0037490 by Chiang (hereinafter "Chiang"). Claims 4, 11, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang in view of U.S. Patent 5,950,001 to Hamilton et al. (hereinafter "Hamilton").

Rejections Under 35 U.S.C. 112, first paragraph:

Applicants have made modifications to the claims as recommended by the Examiner to comply with 35 U.S.C. 112, with the following exceptions. As to claim 15, Applicants note that two different claim terms have been used – "one or more classes" and "one or more developer classes." It is legal error to construe one of the "classes" to include one of the "developer classes," as those terms have been given different definitions by the explicit language of the claim and are not synonymous. The construction proposed by the Examiner would only be a proper basis for rejection under 35 USC 112 if the claim language read "one or more of the classes or the developer classes." As such, the rejection under 35 U.S.C. 112 is based on a flawed claim construction. Withdrawal of this rejection is requested.

In regards to the rejection of claims 1-7 under 35 U.S.C. 112, second paragraph, as allegedly failing to set forth the subject matter which applicants regard as their invention based on prior statements in response to office actions, the statement that "claim 1 eliminates manual programming" has been improperly construed to mean "claim 1 eliminates all manual programming." While the applicants disagree with the construction adopted by the Examiner that

one of ordinary skill in the art would understand the specific claim elements to cover manual programming, in order to expedite prosecution of this application, the Applicants have amended the claims to make explicit what manual programming has been eliminated by identifying what code is automatically generated. Withdrawal of this rejection is requested.

Rejections Under 35 U.S.C. 102(a) and 35 U.S.C. 103(a):

Based on the amendments made in response to the Examiner's statements regarding the construction of the claim terms adopted by the Examiner in rejecting the claims under 35 U.S.C. 112, it should now be clear to the Examiner that the pending claims cover automatic generation of code which the prior art discloses must be manually generated. While mere automation of activities that were manually performed might not in and of itself be patentable under certain limited circumstances, the pending claims are all drawn to methods and systems for generating software code, which is a highly technical process that is not readily automated. The fact that the cited prior art teaches manual performance of the claimed automatic code generation processes evidences that it was not obvious to create a system that automatically generates code, as claimed. As such, withdrawal of the rejections and allowance of all pending claims is respectfully requested.

CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable, and a Notice of Allowance is courteously solicited.

If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the Examiner is hereby requested by the undersigned at (214) 939-8657 so that such issues may be resolved as expeditiously as possible.

A fee for a one month extension of time is believed to be due at this time. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Godwin Pappas Langley Ronquillo, LLP, No. 50-0530.

Dated: March 1, 2006

Respectfully submitted,

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By: _____

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